



Austin City Council MINUTES

For FEBRUARY 23, 1989 - 1:00 P.M.

Council Chambers, 307 West Second Street, Austin, Texas

Memorandum To:

Mayor Cooke called to order the meeting of the Council, noting the absence of Mayor Pro Tem Shipman and Councilmember Carl-Mitchell, who he said would be arriving shortly. They did, at 1:42 and 1:45 P.M. respectively.

MINUTES APPROVED

The Council, on Councilmember Nofziger's motion, Councilmember Barnstone's second, approved minutes for regular meetings of February 9, 1989 and special meeting of February 7, 1989. (4-0 Vote, Mayor Pro Tem Shipman, Councilmembers Nofziger and Urdy absent.)

CITIZEN COMMUNICATIONS

Ms. Paula Traffas and Mr. Akwasi Evans discussed City contracts with firms doing business in South Africa. Ms. Christi Stevens, Mr. Bill Bunch and Mr. Bill Oliver discussed the need for an Endangered Species Ordinance.

AUSTIN REGIONAL HABITAT CONSERVATION PLAN

The Council, on Councilmember Humphrey's motion, Councilmember Nofziger's second, waived the requirement for three readings and finally passed an ordinance amending the 1988-89 Operating Budget by appropriating \$20,000.00 to the Department of Environmental Protection for the Austin Regional Habitat Conservation Plan from the ending balance. (5-0 Vote, Councilmember Carl-Mitchell and Mayor Pro Tem Shipman absent.)

CITIZEN COMMUNICATIONS - (Continued)

Mrs. Linda Sykes discussed City of Austin utilities. Mr. Terrance Lang Irion discussed City authority to control land use in areas outside the City limits and excluded from M.U.D. boundaries prior to confirmation election. Mr. Jack J. Newman Jr. did not appear. Mr. Ralph C. Smoot discussed earth shelter housing.

ITEM POSTPONED

Council postponed the second/third reading of a zoning ordinance for Eli J. Garza, C14-88-0068(part) until March 9, 1989.

BOARD AND COMMISSION REPORTS

No one was present to give the Surveyor's Week Report of the Texas Society of Professional Surveyors.

Al Fairweather presented the Rate Setting Process Report from the Electric Utility Commission. He said the rate setting process should be returned to the Commission. Mayor Cooke said he thought the rates should be set every other year rather than annually. Councilmember Carl-Mitchell asked that an item be posted for action March 9, 1989 to consider approval of a new rate setting process as recommended by the Electric Utility Commission. He also said a consumer advocate should be in the process.

ZONING ORDINANCES

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Humphrey's second, passed through second/third readings of ordinances amending Chapter 13-2 of the Austin City Code (Land Use) to cover the following changes: (7-0 Vote)

- | | | | |
|-----|-------------|--------------------|----------------------|
| (1) | ZFB, LTD. | 9708 Anderson Mill | From "DR" |
| | C14-88-0095 | Road (Lot 2) | To "GR-CO" & "LO-CO" |

First reading on September 29, 1988, (6-0). Councilmember Humphrey absent. Conditions have been met as follows: Conditional overlay ordinance incorporates conditions imposed by Council. Right-of-Way will be dedicated at the time of subdivision. (C8-88-0099.OA).

- | | | | |
|-----|----------------------|-----------------|-------------|
| (2) | CITY OF AUSTIN | Oakclaire Drive | From "SF-2" |
| | City of Austin | | To "P" |
| | Water and Wastewater | | |
| | C14-87-014 | | |

First reading on March 26, 1987, (6-0). Conditions have been met as follows. Staff recommends deletion of previous condition of zoning requiring Planning Commission site plan approval for use more intensive than "SF-2". Chapter 13-1 procedures now in force provide an equivalent review.

OPERATING BUDGET AMENDMENT

The Council, on Councilmember Humphrey's motion, Mayor Pro Tem Shipman's second, waived the requirement for three readings and finally passed an ordinance amending the 1988-89 Operating Budget by authorizing acceptance and appropriation of \$5,000.00 in State Set-Aside funds under the Emergency Food and Shelter Program allocated to the City by the local Federal Emergency Management Agency Board on January 5, 1989. (7-0 Vote)

CONSENT RESOLUTIONS

The Council, on Councilmember Urdy's motion, Councilmember Humphrey's second, adopted the following resolutions all in one consent motion: (7-0 Vote)

Release of Easement

Authorized release of the following easement:

- a. The Electric and Telephone Easement of record in Volume 1917, Page 313, TCRPR and located on Lots 16 and 17, Blk. B, of The Preserve Subdivision, locally known as 4209 and 4205 Hidden Canyon Cove. (Request submitted by Alston Boyd)

Contracts Approved

Approved the following contract:

- | | |
|--|---|
| <ol style="list-style-type: none">a. COMPUTER SUPPORT INCORPORATED
2630 Exposition Boulevard
Suite 119
Austin, Texas | <p>- Uninterruptible Power Supply
System, Police Department
Total \$125,844.00 89-S011-AB</p> |
|--|---|

Economic Development and Business Assistance

Authorized to apply to various federal, state and private sources for funds to promote neighborhood economic development and minority business assistance.

Wastewater System

Approved an agreement regarding the conveyance of improvements to the City of Austin's Wastewater System. (Estimated savings \$177,631.40)

Traffic Signal Design Installation

Approved an interlocal agreement with Travis County for traffic signal design installation maintenance and operation by the City for the benefit of the County, on county roads, at the county's expense.

Public Hearing Set

Set a public hearing on the following:

- a. Amendments to the Capital Recovery Fee Ordinance No. 880630-B and the Interim Land Development Code to clarify exception, exemption and refund provisions and to correct numbering: March 9, 1989 at 5:30 P.M.

ITEM CONTINUED

Continued to March 30, 1989 is a resolution to consider amendment to Blackshear Urban Renewal Plan to permit townhouse (single family) use in the "R" Residence District of the Blackshear Urban Renewal Land Use Plan.

DISANNEXATION

The Council, on Councilmember Humphrey's motion, Mayor Cooke's second, waived the requirement for three readings and finally passed three ordinances approving requests for disannexation, pursuant to the provisions of SB 962, of certain properties annexed for limited purposes. (7-0 Vote)

Mayor Pro Tem Shipman asked, "Would you clarify for me, once these properties are disannexed there is no building code and no fire code?" Mr. Stan Biderman, who had been speaking, stated: "There are certain codes, if they are obtaining a service from the City like electricity, then they have to get..." Mayor Pro Tem Shipman asked, "What about the Fire Code? What kind of fire standards will be enacted on these properties?" Mr. Biderman said, "So far as I know, whatever would be applicable under the County standards." Mayor Pro Tem Shipman said the County has no standards for the Fire Code. "So," she said, "it will be nothing."

Mayor Pro Tem Shipman said, "I want the record to reflect this, it has nothing to do with process but it is a concern and I want it registered and I want the City Council Minutes to reflect the concern that these are properties that are being developed in an urban area that came out of the jurisdiction of the Fire and Safety Codes of the City, which happens to be the only large metropolitan city here. One of these properties happens to be at the intersection of 620 and 2222 and there will be no traffic safety standards there, fire standards there, and no other building code standards. If the County had such authority I am sure it would be there, but they are not and so years from now when somebody comes up and says 'my goodness, what's happened' I want the record to reflect that this concern was voiced early on. Thank you."

VARIANCE DENIED

The Council, on Councilmember Carl-Mitchell's motion, Mayor Pro Tem Shipman's second, voted to DENY a request for a variance from dedicating 15' of right-of-way for Taco Bell, located at 2802 Guadalupe Street, with a friendly amendment concerning license agreement for use of the land, added by Councilmember Carl-Mitchell. (4-3 Vote, Mayor Cooke, Councilmembers Barnstone and Humphrey voted No.)

Councilmember Barnstone had offered a substitute amendment which was moot because essentially it said the same as the above motion.

CITY MANAGER REPORT

Dr. Solbritt Murphy, Austin/Travis County Director of Health, presented a report on Central Texas Medical Foundation Contract. This will be on the March 9, 1989 agenda for action.

WASTEWATER AVERAGE

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Nofziger's second, waived the requirement for three readings and finally passed an ordinance amending Ordinance No. 870903-Q providing that a new account is established for a commercial customer at an existing service location where a wastewater average has been established for a prior account, the new customer will "inherit" the established wastewater average. (5-0 Vote, Councilmembers Barnstone and Urdy out of the room.)

CONTRACT APPROVED

The Council, on Councilmember Humphrey's motion, Councilmember Carl-Mitchell's second, adopted a resolution approving the following contract: (4-0 Vote, Councilmembers Barnstone, Urdy and Nofziger out of the room)

HARRIS CORPORATION
Control and Composition Division
P.O. Box 430
Melbourne, Florida

- CAPITAL IMPROVEMENTS PROGRAM -
Energy Management System,
Electric Utility Department
Total \$6,319,886.00 C.I.P.
No. 85/11-01

LAGUNA GLORIA CONTRACT

Mayor Pro Tem Shipman introduced a discussion of Status/Options for the Laguna Gloria Contract.

Barney Knight, Acting City Manager, told Council the lender on the property for the proposed Laguna Gloria site, puts the City on notice that if the City does not proceed with construction of Laguna Gloria Museum within 90 days from the letter dated February 7, 1989, they will consider "we have bridged the terms of the reverter clause in the contract." Mr. Knight went on to say "we cannot move along unless we arrive at a satisfactory resolution of some contractual issues with Laguna Gloria..." Mr. Knight also said there would need to be a transfer of some easements before construction could begin.

There was a lengthy discussion by Council. Mayor Pro Tem Shipman said she wanted to have a list of alternative sites already owned by the City, because construction of Laguna Gloria on a certain site is not bound by the bond election.

2/23/89

AUSTIN BUSINESS

The Council, on Councilmember Humphrey's motion, Mayor Cooke's second, adopted a resolution supporting the selection of Austin businesses when purchasing goods and services. (7-0 Vote)

CIRCLE DRIVE RESERVOIR AND TRANSMISSION MAIN

Council had before them for consideration a resolution for authorization and approval of the selection of professional engineering services for the Circle Drive (Southwest B) Reservoir and Transmission Main - \$220,000.00. C.I.P. No. 87/27-23.

Motion

The Council, on Councilmember Humphrey's motion, Councilmember Nofziger's second, voted to rebid for professional engineering services and break this into two contracts; one for the reservoir and one for the transmission main. (7-0 Vote)

ZONING HEARINGS

Mayor Cooke announced Council would hear the following zoning cases. Council postponed some cases, heard and closed the public hearings on others, passing them through first or all three readings. Disposition of cases follows:

- | | | | | |
|-----|------|-----------------|-----------------|-----------------------------------|
| (1) | -88 | SETTLEMENT CLUB | 1600 Peyton Gin | From "SF-3", "SF-3-H" |
| | 0122 | By Sheri Gallo | Road | To "GO-CO", "GO-H-CO", |
| | | | | "SF-3" |
| | | | | <u>POSTPONED TO MARCH 9, 1989</u> |

RECOMMENDED subject to (1) deleting the right-of-way 4 P.M. requirement (2) congregate living restricted for 18 & under (3) recommended that Council consider special fees for c.u.p.'s for human service providers (4) applicant make effort to meet with neighborhood association on any proposed site plans.

- | | | | | |
|-----|------|-------------|---------------------|---|
| (2) | r-87 | MCGILL | 3701-3717 Spicewood | From Tr. 1 "LO" |
| | 066 | INVESTMENTS | Springs Road | Tr. 2 "LR" |
| | | By Donna | | To Tr. 1 "LR-CO" |
| | | Kristaponis | | Tr. 2 "GR-CO" |
| | | | | <u>POSTPONED TO MARCH 30, 1989 @ 4 P.M.</u> |

RECOMMENDED "LR-CO" for Tract 1 with "LR" use limited to financial services only, and all permitted "LO" uses; subject to dedication of up to 32' of Right-of-way from the centerline of Baywood Drive. To grant "GR-CO" for Tract 2 with "GR" use limited to restaurant use only, limited to 11,000 square feet of building area and permitted "LR" uses, except for service stations and convenience retail with gasoline sales.

2/23/89

- (2) r-87 MCGILL
066 INVESTMENTS (continued)

Conditional overlay applicable to both tracts, combined:
Buildings limited to single-story only, 52.1% impervious
coverage and no development within the drainage easement.
Restrictive Covenant applicable to both tracts, combined:
Dumpsters will be screened from residential uses to the north
and dumpster pick-ups will be limited between the hours of 6
a.m. to 10 p.m. Restrictive Covenant applicable to Tract 2:
If "GR" uses cease, applicant will not object to a
City-initiated rollback to "LR".

- | | | | |
|-----------------|---|----------------------|------------------------------------|
| (3) -88
0140 | CITY OF AUSTIN
By Planning
Department | 1401-1721 Rosewood | From Tr. 1 "CS", "CS-1" |
| | | Avenue | & "MF-4" |
| | | 1101-1117 Angelina | Tr. 2 "MF-4-H" |
| | | Street | Tr. 3 "CS" & "MF-4" |
| | | 1506-1610 East 11th | Tr. 4 "CS" |
| | | Street | To Tr. 1 "SF-3" |
| | | 1100-1108 Concho | Tr. 2 "SF-3-H" |
| | | Street | Tr. 3 "SF-6" |
| | | 1508-1704 Gregory | Tr. 4 "SF-6" |
| | | Street | RECOMMENDED |
| | | 1130-1156 Salina St. | <u>CONTINUED TO MARCH 30, 1989</u> |
| | | | <u>AT 4:00 P.M.</u> |

- | | | | |
|-----------------|---|--------------------|--------------------|
| (4) -88
0049 | TEXAS AMERICAN
BANK/FORT WORTH
By Perry Blanton | 11403 Boulder Lane | From "DR" & "SF-6" |
| | | | To "P" |
| | | | RECOMMENDED |
| | | | <u>ORDINANCE</u> |

(On Mayor Pro Tem Shipman's motion, Councilmember Nofziger's second, 6-0 Vote, Councilmember Humphrey out of the room.)

- | | | | |
|-----------------|--|----------------------|----------------------|
| (5) -88
0002 | TEXAS DEPARTMENT
OF MHMR
By Texas General
Land Office | Bounded by West 38th | From "UNZ" |
| | | Street, North Lamar | To "PUD" |
| | | Boulevard and | RECOMMENDED |
| | | and Guadalupe Street | <u>FIRST READING</u> |

(On Councilmember Carl-Mitchell's motion, Councilmember Barnstone's second, 6-0 Vote, Councilmember Humphrey abstained due to a conflict of interest.)

- | | | | |
|-----------------|---|------------------|-------------|
| (6) -88
0129 | HARMONY LAB,
By D. Lipincott/
R. Martin | 9501 Stonebridge | From "SF-3" |
| | | Drive | To "LO" |

RECOMMENDED with a conditional overlay limited to dental
lab only and permitted "SF-3" uses; no access to
Stonebridge Drive, restrictive covenant limited to facade

2/23/89

signs only on front door, rollback to "SF-3" if use ceases, subject to 35 ft. right-of-way from the centerline of Rutland Drive and installation of sidewalk prior to final ordinance.

- (7) -88 DIAMOND SHAMROCK 8628 Manchaca Road From "LR"
0144 By Bury & Pittman To "GR"
ORDINANCE

RECOMMENDED with a conditional overlay district restricting to "LR" uses and car wash as recommended.

- (8) -88 LAND & LEASE, 6247-6263 McNeil From "LR"
0147 INC. Road To Tr. 1 "GR-CO"
By Holford Group Tr. 2 "MF-3"
FIRST READING

RECOMMENDED subject to conditions as recommended and agreement with Travis County which states: "Triangular sight distance easements shall be dedicated at the time of site plan approval to provide adequate sight distance for the posted speed limit on McNeil Cutoff at all driveways and public and private streets. The precise configuration of the easements shall be determined at the site plan approval based on AASHTO criteria for vehicles approaching an intersection with a stop condition on the minor approach.

(On Mayor Pro Tem Shipman's motion, Councilmember Nofziger's second, 6-0 Vote, Councilmember Humphrey out of the room.)

- (9) -88 GEORGE P. SHELLY 10200 N. Lamar From "SF-2"
0146 By Clark, Thomas, Boulevard To "LR-MU"
FIRST READING

RECOMMENDED subject to ~~no necessity to extend~~ ~~extension of Crisp~~ ~~Creek Drive~~ and fiscal for signalization of Lamar/Masterson Pass to be posted prior to site plan release.

(On Councilmember Barnstone's motion, Councilmember Nofziger's second, 5-0 Vote, Mayor Pro Tem Shipman, Councilmember Carl-Mitchell out of the room.)

- (10) -88 JOHNNY HOLMES 1101 Juniper Street From "SF-3"
0101 By City of Austin 1103 Juniper Street To "GO-CO"
Transportation & ORDINANCE
Public Service Dept.

RECOMMENDED "GR-CO" restricting use to surface off-site parking and to "LO" uses and site development standards, restricting access from Juniper Street

(On Councilmember Urdy's motion, Mayor Pro Tem Shipman's second, 6-0 Vote, Councilmember Humphrey out of the room.)

2/23/89

- (11) -88 L. W. PARKER 10505 North I.H. 35 From "SF-2"
0131 By C. Eversole Service Road NB To Tr. 1 "CS-CO"
Tr. 2 "SF-4-CO"
NOT RECOMMENDED

POSTPONED MAY 4, 1989, @ 4 P.M.

- (12) -88 DR. G.R.F. LEGETT 5900-6100 Johnny From "SF-3"
0135 By Carey Legett, Morris Road To Tr. 1 "LI-CO"
III Tr. 2 "W/LO-CO"
APPROVED STAFF RECOMMENDATION NO RECOMMENDATION
FIRST READING
- (13) -88 DR. G.R.F. LEGETT 6100-6200 Johnny From "SF-3"
0136 By Carey Legett, Morris Road To Tr. 1 "LI-CO"
III Tr. 2 "W/LO-CO"
APPROVED STAFF RECOMMENDATION NO RECOMMENDATION
FIRST READING
- (14) -88 DR. G.R.F. LEGETT 6200-6400 Johnny From "SF-3"
0137 By Carey Legett, Morris Road To "LI-CO"
III NO RECOMMENDATION

APPROVED STAFF RECOMMENDATION

FIRST READING

(On Councilmember Carl-Mitchell's motion, Councilmember Urdy's second, 6-0 Vote,
Councilmember Barnstone out of the room.)

2. PENDING ZONING APPLICATIONS:

a. Recommended for Dismissal:

- (1) -85 MRS. DONALD 1518 Koenig Lane From "SF-3"
294 (OLETA) HEINE To "LO"
RECOMMEND DISMISSAL
DISMISSED

b. Request for Six-Month Extension:

- (2) -88 DANIEL R. PORCH 10805-10825 From "SF-2" & "LO"
0021 By Joseph, Rider Jollyville Road To "GR" & "LO"
& Cameron 4911-4915 Hamilton RECOMMENDED
Lane
APPROVED
- (3) -88 GRANT D. COFFMAN, 1301 East 12th From "SF-3"
0054 JR. Street To "LR"
By Austin Economic APPROVED
Development Corp.

(On Mayor Pro Tem Shipman's motion, Councilmember Nofziger's second, 6-0 Vote,
Councilmember Humphrey out of the room.)

PUBLIC HEARING - STREET VACATION

Mayor Cooke opened the public hearing set for 5:00 P.M. on vacating the following: A portion of Camino Largo Road right-of-way. (Request submitted by Howard Kells on behalf of Eli J. Garza) There were no speaker

Motion

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Urdy's second, closed the public hearing, waived the requirement for three readings and finally passed the street vacation. (5-0 Vote, Councilmember Barnstone and Humphrey out of the room.)

14TH YEAR COMMUNITY DEVELOPMENT BLOCK GRANT

Council had before them for consideration a resolution to authorize negotiation of a contract in the amount of \$984,000.00 for implementation of the 14th Year Community Development Block Grant (CDBG) for the acquisition/rehabilitation program.

Motion

Mayor Pro Tem Shipman made a motion, seconded by Councilmember Carl-Mitchell to implement money for the acquisition and rehabilitation program as follows:

\$329,000.00	Neighborhood Consortium
300,000.00	Austin Mutual Housing
300,000.00	Friendship Place
275,000.00	Colony Park

Substitute Motion Made and Withdrawn

Councilmember Barnstone offered a substitute motion to implement the money as follows: (He later WITHDREW his motion.) Councilmember Nofziger seconded the motion and then withdrew his second.

\$300,000.00	Austin Mutual Housing
300,000.00	Friendship Place
275,000.00	Colony Park
246,000.00	Remainder of funds - Neighborhood Housing Consortium

Motion Died for Lack of a Second

Councilmember Urdy offered the following substitute motion.
Motion DIED FOR LACK OF SECOND.

25%	of \$1.4 million to Montopolis
25%	of the money to Robertson Hill
50%	(\$700,000) to Neighborhood Consortium, Austin Mutual Housing, Friendship Place and Colony Park

Roll Call on Main Motion

4-3 Vote, Councilmember Urdy, Mayor Cooke and Councilmember Barnstone voted No.

Motion

Councilmember Carl-Mitchell made a motion, seconded by Mayor Pro Tem Shipman to use the \$246,000.00 for a new RFP bid for the Montopolis Area neighborhood group in Montopolis.

Substitute Motion - FAILED

Councilmember Nofziger offered a substitute motion, seconded by Councilmember Barnstone to have \$246,000 go to Montopolis through the neighborhood consortium. Motion FAILED by a vote of 2-4 with Mayor Cooke, Mayor Pro Tem Shipman, Councilmembers Carl-Mitchell and Humphrey voting No, Councilmember Urdy out of the room.

Roll Call on Motion - FAILED

3-3 Vote, Mayor Cooke, Councilmembers Barnstone and Nofziger voted No, Councilmember Urdy out of the room.

Motion

The Council, on Councilmember Nofziger's motion, Councilmember Barnstone's second, voted to give \$246,000 to the Montopolis Neighborhood Consortium. (6-1 Vote, Mayor Cooke voted No, Councilmember Urdy out of the room)

Council had before them for consideration authorization to negotiate a contract in the amount of \$236,010.00 of the 14th Year Community Development Block Grant (CDBG) for the Management and Technical Assistance for the Business Development Program.

Motion - DIED FOR LACK OF SECOND

Councilmember Barnstone made a motion to divide the money equally between National Business League and Greater Montopolis Corporation. Motion DIED FOR LACK OF SECOND.

Motion

Councilmember Carl-Mitchell made a motion, seconded by Mayor Pro Tem Shipman to award the contract to Austin Economic Development Corporation.

Substitute Motion - FAILED

Councilmember Barnstone offered a substitute motion, seconded by Councilmember Urdy to divide the money between the National Business League and the Greater Montopolis Corporation. Motion FAILED by a 2-5 vote with Mayor Cooke, Mayor Pro Tem Shipman, Councilmembers Carl-Mitchell, Humphrey and Nofziger voting No.

Substitute Motion

Councilmember Urdy offered a substitute motion, seconded by Mayor Cooke to divide the money between AEDC and NBL.

Motion Withdrawn

Councilmember Carl-Mitchell withdrew the main motion and Mayor Pro Tem Shipman withdrew her second.

This made the motion offered by Councilmember Urdy and seconded by Mayor Cooke the main motion.

Roll Call on Motion

(To divide the money between AEDC and NBL)

6-1 Vote, Councilmember Nofziger voted No.

CIVIC CENTER TIMELINE

Councilmember Nofziger introduced an item to Council to consider amending the Civic Center Timeline.

Motion

The Council, on Councilmember Nofziger's motion, Mayor Cooke's second, voted to have appropriate boards and commissions consider the subject and Council will select a site on April 13, 1989. (4-2-0 Vote, Councilmembers Humphrey and Carl-Mitchell voted No, Councilmember Urdy out of the room.)

DOWNTOWN PARKING METER RATES AND FINES

The Council, on Councilmember Barnstone's motion, Councilmember Humphrey's second, voted to reduce the downtown parking meter rates to the 1985 rates and reduce fines to \$5.00 and directed the Acting City Manager to direct staff to bring back an ordinance for Council to approve. (6-0 Vote, Councilmember Urdy out of the room)

ITEMS WITH NO ACTION

Council did not hold an executive session and they made no board or commission appointments.

ADJOURNMENT

Council adjourned its meeting at 9:34 P.M.